

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LVB-OGDEN MARKETING, LLC,

Plaintiff,

v.

DAVID S. BINGHAM, SHARON  
BINGHAM, CHRISTOPHER  
BINGHAM, CHERISH BINGHAM,  
KELLY BINGHAM, BINGO  
INVESTMENTS, LLC, CCRB  
ENTERPRISES, LLC, PARK PLACE  
MOTORS, LTD., HYTECH POWER,  
INC., HENRY DEAN, as Trustee for the  
SHARON GRAHAM BINGHAM 2007  
TRUST, and BGH HOLDINGS, LLC,

Defendants.

NO. 2:18-cv-00243-TSZ

MOTION FOR RELIEF FROM COURT  
DEADLINE

NOTE ON MOTION CALENDAR:

February 15, 2019  
(Second Friday)

**INTRODUCTION**

The current case schedule in this matter requires dispositive motions to be filed by February 7, 2019. All parties have conferred and agreed to an extension of this deadline until March 1, 2019, which will be after mediation. Defendants Henry W. Dean (in his individual

1  
2 capacity) and BGH Holdings, LLC, therefore move the Court for an order extending the deadline  
3 to file dispositive motions from February 7, 2019, to March 1, 2019. Additionally, all parties  
4 have conferred and agreed that (1) the pending King County Sheriff's sale voluntarily continued  
5 to a date not less than thirty (30) days from January 22, 2019, should be voluntarily continued  
6 further, under the same terms as the continuance now in effect, to March 7, 2019; and (2) there  
7 shall be no execution on other assets until after March 7, 2019.

### 8 9 **FACTS**

10 On August 29, 2018, this Court entered a Minute Order Setting Trial Date and Related  
11 Dates. [Dkt. No. 133]. Pursuant to this Minute Order, all dispositive motions must be filed by  
12 February 7, 2019.

13 This case and C18-786-TSZ have been referred to the Hon. Judge Christopher Alston for  
14 settlement proceedings. [Dkt. Nos. 247 and 266] Mediation in this matter is set to take place on  
15 February 26-27, 2019.

16 All parties have conferred via email on February 6, 2019, and agreed to an extension of  
17 the deadline to file dispositive motions until March 1, 2019, which will be after mediation.

18 At a hearing on January 22, 2019, Defendants agreed to voluntarily continue the date of  
19 the pending King County Sheriff's sale to a date not less than thirty (30) days from January 22,  
20 2019. Minute Entry of January 22, 2019 [Dkt. No. 243]. The Court noted that by continuing the  
21 sale, Defendants would not waive any arguments related to jurisdiction or the Court's ability to  
22 enter a temporary restraining order or preliminary injunction. *Id.* Plaintiff agreed not to pursue  
23 execution during the same thirty-day period and to instruct the U.S. Marshall regarding the same.  
24 *Id.*  
25

1 All parties have conferred via email on February 6, 2019, and agreed to a further  
 2 continuance of the pending King County Sheriff's sale, under the same terms as above, until  
 3 March 7, 2019; and that there shall be no execution on other assets until after March 7, 2019.

#### 4 **ARGUMENT AND LEGAL AUTHORITY**

5 Fed. R. Civ. P. 1 provides that the Rules of Civil Procedure should be construed,  
 6 administered, and employed by the court and the parties to secure the just, speedy, and  
 7 inexpensive determination of every action and proceeding. Extending the deadline for dispositive  
 8 motions until March 1, 2019, will give the parties the opportunity to conduct mediation and  
 9 possibly resolve this case prior to having to expend the time and resources necessary to prepare  
 10 dispositive motions.  
 11

#### 12 **CONCLUSION**

13 For the reasons stated above, the Court should (1) continue the deadline to file dispositive  
 14 motions from February 7, 2019, to March 1, 2019; (2) enter an order noting that the parties have  
 15 voluntarily agreed to continue the date of the pending King County Sheriff's sale to March 7,  
 16 2019, under the same terms as the prior voluntary extension; and (3) enter an order noting that  
 17 the parties have agreed there shall be no execution on other assets until after March 7, 2019.  
 18

19 DATED this 6th day of February, 2019.

20 WESTERN WASHINGTON LAW GROUP, PLLC

21 */s/ Robert J. Cadranell*

22 \_\_\_\_\_  
 23 Dennis J. McGlothlin, WSBA No. 28177

24 Robert J. Cadranell, WSBA No. 41773

25 Attorneys for Defendants Henry W. Dean (in his individual  
 capacity) and BGH Holdings, LLC